

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Central District of California on the following Patents or Trademarks:

DOCKET NO.	DATE FILED 11/9/2006	U.S. DISTRICT COURT Central District of California
PLAINTIFF FREEDOM WAVE LLC	CV 06 07209 R GJG	DEFENDANT MADCATZ, INC. and NYKO TECHNOLOGIES, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,878,066 B2	4/12/2005	FREEDOM WAVE LLC
2 6,280,327 C1	8/28/2001	FREEDOM WAVE LLC
3		DOCKETED ON CM NOV 20 2006 BY 002
4		
5		

In the above—entitled case, the following patent(s)/trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		DOCKETED ON CM NOV 20 2006 BY 002
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK S. R. CARTER	(BY) DEPUTY CLERK	DATE 10/23/08
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

LOGGED

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12 Attorneys for Defendant and Counterclaimant
28 NYKO TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FREEDOM WAVE LLC,

16 Plaintiff,

15

20 MAD CATZ, INC. and NYKO
21 TECHNOLOGIES, INC.,

22 | Defendants.

Case No. CV 06-07209 JFW (MANx)

**STIPULATION OF PLAINTIFF
FREEDOM WAVE LLC AND
DEFENDANT NYKO
TECHNOLOGIES, INC. TO
DISMISS ACTION WITHOUT
PREJUDICE TO REFILE; AND**

25 AND RELATED COUNTERCLAIMS.

STIPULATION AND AGREED ORDER.

1 WHEREAS, Plaintiff Freedom Wave LLC and Defendant Mad Catz,
2 Inc. have previously settled, and all claims and counterclaims between them have
3 been dismissed; and

4

5 WHEREAS, Plaintiff Freedom Wave LLC and Defendant Nyko
6 Technologies, Inc. have agreed to settle this action in its entirety, including all
7 claims and counterclaims in this action between them; and

8

9 WHEREAS, the Plaintiff Freedom Wave LLC and Defendant Nyko
10 Technologies, Inc. are in the process of finalizing a written agreement that reflects
11 all of the terms of the settlement; and

12

13 WHEREAS, under the present schedule, the pretrial conference is set
14 for November 30, 2007; and

15

16 WHEREAS, the Plaintiff Freedom Wave LLC and Defendant Nyko
17 Technologies, Inc. wish to avoid the unnecessary expenditure of effort and resources
18 by the parties and this Court preparing for the pretrial conference in light of the
19 pending settlement.

20

21 **THEREFORE, IT IS HEREBY STIPULATED** by and between
22 Freedom Wave LLC and Nyko Technologies, Inc., through their respective counsel,
23 this Honorable Court consenting, pursuant to FED. R. CIV. P. 41(a)(1)(ii) and (c),
24 that this action, including all claims and counterclaims between Freedom Wave LLC

25 ///
26 ///
27 ///
28 ///

1 and Nyko Technologies, Inc., be dismissed without prejudice to refiling if the
2 settlement is not consummated within thirty (30) days of dismissal.

3

4 Dated: October 11 2007

5 SHEPPARD MULLIN RICHTER & HAMPTON LLP

6

7 By 

8 DENNIS J. SMITH

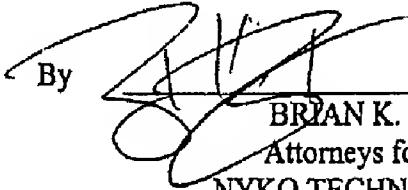
9 Attorneys for Plaintiff
10 FREEDOM WAVE LLC

11

12 Dated: October 16 2007

13 CHRISTIE, PARKER & HALE LLP

14

15 By 

16 BRIAN K. BROOME
17 Attorneys for Defendant
18 NYKO TECHNOLOGIES, INC.

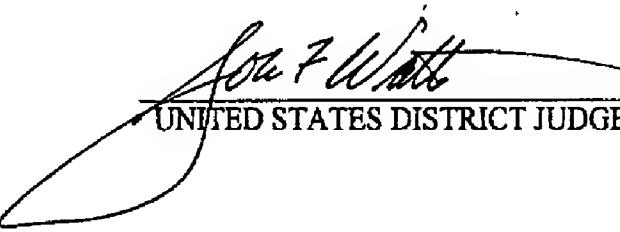
19

20 ORDER

21 IT IS ORDERED.

22

23 Dated: October 16, 2007

24 
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles; I am over the age of eighteen years and not a party to the within entitled action; my business address is 333 South Hope Street, 48th Floor, Los Angeles, California 90071-1448.

5 On October 22, 2007, I served the following document(s) described as **STIPULATION**
6 **OF PLAINTIFF FREEDOM WAVE LLC AND DEFENDANT NYKO**
7 **TECHNOLOGIES, INC. TO DISMISS ACTION WITHOUT PREJUDICE TO**
REFILING; AND [PROPOSED] ORDER on the interested party(ies) in this action by
placing true copies thereof enclosed in sealed envelopes and/or packages addressed as
follows:

See Attached Service List

10 **BY MAIL:** I am "readily familiar" with the firm's practice of collection and
11 processing correspondence for mailing. Under that practice it would be deposited
12 with the U.S. postal service on that same day with postage thereon fully prepaid at
13 Los Angeles, California in the ordinary course of business to the parties as indicated
14 on the attached service list. I am aware that on motion of the party served, service
15 is presumed invalid if postal cancellation date or postage meter date is more than
16 one day after date of deposit for mailing in affidavit.

17 **BY OVERNIGHT DELIVERY:** I served such envelope or package to be
18 delivered on the same day to an authorized courier or driver authorized by the
19 overnight service carrier to receive documents, in an envelope or package
20 designated by the overnight service carrier.

21 **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile
22 pursuant to Rule 2008 of the California Rules of Court. The telephone number of
23 the sending facsimile machine was 310-228-3701. The name(s) and facsimile
machine telephone number(s) of the person(s) served are set forth in the service list.
The sending facsimile machine (or the machine used to forward the facsimile)
issued a transmission report confirming that the transmission was complete and
without error. Pursuant to Rule 2008(e), a copy of that report is attached to this
declaration.

24 **BY HAND DELIVERY:** I caused such envelope(s) (as indicated on the attached
25 service list) to be delivered by hand to the office of the addressee(s).

26 **FEDERAL:** I declare that I am employed in the office of a member of the bar of
27 this Court at whose direction the service was made. I declare under penalty of
28 perjury under the laws of the United States of America that the foregoing is true and
29 correct.

Executed on October 22, 2007, at Los Angeles, California.

Phyllis Ibsen
Phyllis Ibsen

SERVICE LIST

BY MAIL

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